



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,435	06/30/2003	Yoshiko Kasuga	330-267	7155

23117 7590 12/05/2005

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

BOLDEN, ELIZABETH A

ART UNIT	PAPER NUMBER
----------	--------------

1755

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,435

Applicant(s)

KASUGA ET AL.

Examiner

Elizabeth A. Bolden

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-18 is/are allowed.
- 6) ☒ Claim(s) 10-12 and 19-23 is/are rejected.
- 7) ☒ Claim(s) 13-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Any rejections and or objections, made in the previous Office Action, and not repeated below, are hereby withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10-12 and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Onozawa et al., International Patent Publication WO 2000-21895 A1.

This rejection is over the International Patent Publication WO 2000-21895 A1 because this reference qualifies as prior art under 35 U.S.C. 102(b). However, for convenience, the column and line numbers of the English language equivalent US Patent No. 6,713,419 B1 will be cited below.

Onozawa et al. disclose an optical glass for precision press molding and for an optical element. See Abstract. Onozawa et al. disclose Example 5, which anticipates the compositional components as recited in instant claim 12. See column 4 lines 26-45 and Table I. Onozawa et al. disclose Examples 4-6, which anticipate the refractive index, Abbe number, and T_g as recited in instant claim 10. See column 4 lines 13-20 and Table II.

As to claims 19-23, Onozawa et al. disclose an optical glass, which is processed by precision press molding wherein the first step is to have a molten gob form a preform. The optical glass preform is then precision press molded to form an optical element. See column 1, lines 6-10 and 59-63, column 2, lines 16-18, column 3, lines 54-57, and column 7, lines 41-44.

Art Unit: 1755

Since the composition of the reference is the same as those claimed herein it follows that the glasses of Onozawa et al. would inherently possess the same climate resistance property recited in claim 10. See MPEP 2112.

Claims 10-12 and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishimoto, Japanese Patent Publication JP 2003-176151 A.

The Derwent Abstract 2003-725226 supplied with the prior action. In reciting this rejection, the examiner will cite the Abstract.

Nishimoto discloses an optical glass for precision press molding and for an optical element. See Derwent Abstract sections Detailed Description, Use, and Basic Abstract Text-ABTX (4). Nishimoto discloses Examples 2 and 7, which anticipates the compositional components as recited in instant claim 12. See the tables on pages 5 and 6 of the Japanese patent. Nishimoto discloses Examples 1-3, 5-9, 11, 12, 14, 15, and 17-21, which anticipate the refractive index and Abbe number as recited in instant claims 10 and 11. See the tables on pages 5-9 of the Japanese patent.

As to claims 19-23, Nishimoto discloses an optical glass, which is processed by precision press molding. The optical glass preform is then precision press molded to form an optical element. See Derwent Abstract sections Detailed Description, Use, and Advantage.

Since the composition of the reference is the same as those claimed herein it follows that the glasses of Nishimoto would inherently possess the same T_g and climate resistance properties as recited in claims 10 and 11. See MPEP 2112.

Claims 10-12 and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirota et al., U.S. Patent 5,919,718.

Hirota et al. disclose an optical glass for precision press molding and for an optical element. See abstract and column 1, lines 5-16. Hirota et al. disclose Examples 1-11, 21, and 23, which anticipate the refractive index, Abbe number, and T_g as recited in instant claims 10 and 11. See Tables 1 and 2.

Hirota et al. disclose a glass that has overlapping components of instant claim 12. See column 5 lines 35-47.

Art Unit: 1755

As to claims 19-23, Hirota et al. disclose an optical glass, which is processed by precision press molding wherein the first step is to have a molten gob form a preform. The optical glass preform is then precision press molded to form an optical element. See column 1, lines 6-16 and column 7, lines 28-30 and 40-48.

Since the composition of the reference is the same as those claimed herein it follows that the glasses of Hirota et al. would inherently possess the same climate resistance property as recited in claims 10 and 11. See MPEP 2112.

Response to Arguments

Applicant's arguments, see pages 5-11 and the Declaration, filed 12 September 2005, with respect to the rejections have been fully considered and are persuasive in view of new claims 15-18.

The Declaration is not deemed persuasive in view of claims 10-12 since they do not recite a specific composition. The Declaration is not considered commensurate with the scope of the claims since the Declaration is based on specific compositions in terms of either weight or mole % as opposed to the claim which are silent as to the specific amounts. Any glass regardless of composition (i.e. silicate, borate, germinate, aluminoborosilicate, or Lithia borosilicate comprising CaO, ZnO, and La₂O₃) could have the recited properties and therefore is not limited to the scope of the Declaration.

Allowable Subject Matter

Claims 15-18 are allowed.

Claims 13-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reason for Allowance

The following is an examiner's statement of reasons for allowance:

The prior art fail to disclose or suggest a glass composition having the composition as recited in the instant claims, which result in the recited properties specifically the refractive index, Abbe's number, T_g, and climate resistance.

Art Unit: 1755

The closest prior art is deemed to be WO 00/21895 A1 by Onozawa et al. Onozawa et al. disclose a similar composition but does not teach the range of the climate resistance. Applicants have submitted a declaration showing that a glass having a composition within the recited ranges of components does not necessarily have the climate resistance as recited in the instant claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Bolden whose telephone number is 571-272-1363. The examiner can normally be reached on 9:30 am-6:00 pm.

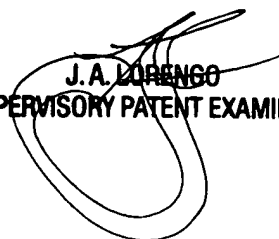
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1755

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAB 

28 November 2005


J. A. LORENZO
SUPERVISORY PATENT EXAMINER